



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 25, 1998

Mr. Frank Crull
Assistant General Counsel
Legal Services
Department of Public Safety
5805 N. Lamar Boulevard
Austin, Texas 78773-0001

OR98-2024

Dear Mr. Crull:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118252.

The Texas Department of Public Safety (the "department") received a request for radio communications logs and tapes for a particular arrest. You submit the log and tape responsive to the request. You indicate, however, that the arrest to which the requested log and tape relate resulted in charges currently pending in Ellis County. You provided a copy of a letter from the Ellis County District Attorney asking that the department "assert the law enforcement and prosecution exemption on behalf of" the county with respect to the requested information. Accordingly, you contend that the requested information is excepted from disclosure by section 552.108, Government Code, which excepts from required public disclosure, *inter alia*:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

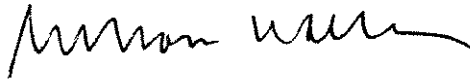
(1) release of the information would interfere with the detection, investigation, or prosecution of crime...

We find that you have sufficiently demonstrated that the requested tape falls within section 552.108(a)(1) and may be withheld. However, prior decisions of this office have determined that radio logs generally constitute "basic information" which must be released.

See Open Records Decision No. 394 (1983). *See also Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Gov't Code section 552.108(c). Therefore you may withhold the tape, but the log must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 118252

Enclosures: Submitted documents

cc: Mr. Kent McGuire
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(w/o enclosures)